

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Walter Neal Bowman,

Civil No. 07-4940 (RHK/RLE)

Plaintiff,

**ORDER**

vs.

Michael J. Astrue, Commissioner  
of Social Security,

Defendant.

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Based upon the Report and Recommendation of Chief United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-entitled matter,<sup>1</sup> **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 17) is **ADOPTED**;
2. Plaintiff's Motion for Summary Judgment (Doc. No. 9) is **DENIED**;
3. Defendant's Motion for Summary Judgment (Doc. No. 12) is **DENIED**;
4. This matter is remanded to the Commissioner for further proceedings, in accordance with the Report and Recommendation, pursuant to Sentence 4 of Title 42 U.S.C. § 405(g); and
5. Pursuant to the holding in Shalala v. Schaefer, 509 U.S. 292, 297 (1993), judgment will be entered accordingly.

Dated: March 18, 2009

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge

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<sup>1</sup>No Objections have been filed by either party, although the Assistant United States Attorney gratuitously, and in a self-serving manner, opines that the Commissioner's "defense in this case appears clearly reasonable and well founded in law and fact."